

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. § CIVIL ACTION NO. 4:09-cv-4069
§
\$31,660.00 IN U.S. CURRENCY, §
Defendant §

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

Please restate the instruction before furnishing the information.

- I. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.

Albert Ratliff, Assistant U.S. Attorney, for the Plaintiff and Robert A. McAllister, Jr., Attorney for the Claimants met by telephone on March 10, 2010.

- II. List the cases related to this one that are pending in any state or federal court with the case number and court.

None.

- III. Briefly describe what this case is about.

The United States is seeking to forfeit \$31,660.00 because these funds were involved in a violation of 31 U.S.C. § 5316(a)(1)(A) (a failure to report an attempt to export monetary instruments).

IV. Specify the allegation of federal jurisdiction.

This Court has jurisdiction under 28 U.S.C. §1335 because this is an action for forfeiture.

Venue is proper in this Court under 28 U.S.C. §§ 1335 and 1335(a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of Texas.

V. Name the parties who disagree and the reasons.

VI. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

None.

VII. List anticipated interventions.

None.

VIII. Describe class-action issues.

None.

IX. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

The parties will complete their initial disclosures by April 30. Because this is a civil forfeiture case, it is exempt from the Rule 26(f) conference requirement pursuant to Fed. R. Civ. P. 26(a)(1)(B)(ii) and 26(f)(1).

X. Describe the proposed agreed discovery plan, including:

A. Responses to all the matters raised in Rule 26(f).

By April 30, 2010.

- B. When and to whom the plaintiff anticipates it may send interrogatories.

By May 30, 2010, Claimants.

- C. When and to whom the defendant anticipates it may send interrogatories.

By June 30, 2010, Plaintiff.

- D. Of whom and by when the plaintiff anticipates taking oral depositions.

The Plaintiff plans to take the Claimants' deposition by July 30, 2010.

- E. Of whom and by when the defendant anticipates taking oral depositions.

The Claimants plans to take the deposition of the Customs and Border Protection Officers by September 1, 2010.

- F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.

Plaintiff's designation of expert by May 15, 2010.

- G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

None at this time

- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

None at this time

- XI. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

Not applicable.

- XII. Specify the discovery beyond initial disclosures that has been undertaken to date.

None.

- XIII. State the date the planned discovery can reasonably be completed.

October 30, 2010.

- XIV. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

Unknown at this time.

- XV. Describe what each party has done or agreed to do to bring about a prompt resolution.

Parties have had tentative settlement discussions.

- XVI. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.

None at this time.

- XVII. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

Parties request a trial by the District Judge.

- XVIII. State whether a jury demand has been made and if it was made on time.

Claimants have made a timely demand for a jury trial.

XIX. Specify the number of hours it will take to present the evidence in this case.

Fifteen hours

XX. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

None.

XXI. List other motions pending.

None.

XXII. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

None.

XXIII. List the names, bar numbers, addresses and telephone numbers of all counsel.

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Date: March 10, 2010

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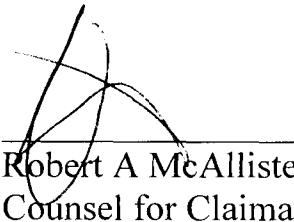
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Respectfully submitted,

/s/ Albert Ratliff
Albert Ratliff
Assistant U.S. Attorney



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